

Application 09/382,794
Atty. Dkt. No. 23964.0054

IN THE CLAIMS:

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1. to 33. (Canceled)

34. (Currently Amended) A drug delivery device, consisting of:

a ~~substantially~~ hollow seed, said hollow seed being sized and adapted for implantation into a tissue or organ *in vivo* to within about 1 millimeter of a desired position within a tissue or organ and for freestanding retention therein indefinitely, said hollow seed containing a therapeutic agent comprising a radionuclide and (1) a nucleic acid sequence, or (2) a protein or polypeptide, and said hollow seed having an opening at each end thereof, said openings being sized and arranged ~~to provide~~ for the controlled diffusion of a the therapeutic agent out of said hollow seed, ~~the therapeutic agent comprising a radionuclide and (1) a nucleic acid sequence, or (2) a protein, or polypeptide.~~

35. (Previously Presented) The drug delivery device of claim 34, wherein the hollow seed has a uniform cross-sectional area along a longitudinal axis.

36. (Previously Presented) The drug delivery device of claim 34, wherein said hollow seed is formed of a metal.

37. (Previously Presented) The drug delivery device of claim 36, wherein the metal is titanium.

38. (Canceled)

39. (Previously Presented) The drug delivery device of claim 34, wherein said openings are round holes.

40. (Canceled)

41. (Previously Presented) The drug delivery device of claim 34, wherein said hollow seed is substantially cylindrical in shape.

42. (Canceled)

43. (Previously Presented) The drug delivery device of claim 34, wherein said hollow seed has a length in the range of 0.002 to 3 inches, a diameter in the range of 0.004 to 4 inches, and a wall thickness in the range of 0.0005 to 0.5 inches.

44. (Previously Presented) The drug delivery device of claim 43, wherein said openings are round holes having an average diameter in the range of 0.002 to 0.2 inches

45. to 70. (Canceled)

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71. (Currently Amended) A drug delivery device, consisting of:
a ~~substantially~~ hollow seed, said hollow seed being sized and adapted for implantation into a tissue or organ *in vivo* to within about 1 millimeter of a desired position within a tissue or organ, said hollow seed containing a therapeutic agent comprising a radionuclide and (1) a viral vector comprising a nucleic acid sequence, or (2) a protein or polypeptide, and said hollow seed having an opening at each end thereof, said openings being sized and arranged ~~to provide~~ for the controlled diffusion of a the therapeutic agent out of said hollow seed, ~~the therapeutic agent comprising a radionuclide and (1) a viral vector comprising [1] a nucleic acid sequence, or (2) a protein, or polypeptide.~~

72. (Previously Presented) The drug delivery device of claim 34, wherein the device comprises a longitudinally extending side wall and end walls sealing each end of the device, and the openings at each end are openings in the side wall.

73. (Previously Presented) The drug delivery device of claim 71, wherein the device comprises a longitudinally extending side wall and end walls sealing each end of the device, and the openings at each end are openings in the side wall.